

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA**

BILL MULLEN and MICHELLE MULLEN,	)	CASE NO. <u>C12-2084-EJM</u>
	)	
Plaintiffs,	)	(Removed from the District Court of
	)	Floyd County, State of Iowa,
vs.	)	Case No. LACV 030171)
	)	
HEINKEL FILTERING SYSTEMS, INC.	)	
and PEPPERL & FUCHS, INC.,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

**COMES NOW** Heinkel Filtering Systems, Inc., defendant in the above-captioned matter which is currently pending in the District Court of Floyd County, State of Iowa, and pursuant to 28 U.S.C. §§ 1441, and 1446, hereby removes the pending case to the United States District Court for the Northern District of Iowa. In accordance with the provisions of 28 U.S.C. § 1446(a) and the Local Rules, Heinkel Filtering Systems, Inc. (“Removal Defendant Heinkel”) respectfully shows the Court as follows:

1. On or about September 28, 2012, Bill Mullen and Michelle Mullen (“Plaintiffs”) filed their Petition in the District Court of Floyd County, State of Iowa, captioned *Bill Mullen and Michelle Mullen, Plaintiffs v. Heinkel Filtering Systems, Inc. and Pepperl & Fuchs, Inc., Defendants*, numbered LACV 030171 (hereafter, the “Floyd County Case”). A true and accurate copy of the Petition is attached as **Exhibit 1**.
2. Removal Defendant Heinkel received a copy of the Petition on or about November 13, 2012.
3. The Petition states on its face that Plaintiffs are individuals that are residents of Iowa.

4. Removal Defendant Heinkel is a corporation organized and existing under the laws of New Jersey, with its principal place of business in New Jersey.
5. Pepperl & Fuchs, Inc. ("Pepperl & Fuchs") is a corporation organized and existing under the laws of Ohio, with its principal place of business in Ohio.
6. There is complete diversity of citizenship between Plaintiffs and Removal Defendant Heinkel and Pepperl & Fuchs.
7. The amount in controversy exceeds \$75,000.00, exclusive of fees, interest, and costs.
8. Because of the complete diversity of citizenship between the parties and the size of the amount in controversy, this Court has original subject matter jurisdiction over the Floyd County Case pursuant to 28 U.S.C. § 1332, and the action is removable to this Court pursuant to 28 U.S.C. §§ 1441(a) and (b).
9. This Notice of Removal is filed within thirty (30) days of service of the Petition on Removal Defendant Heinkel, and is therefore timely under 28 U.S.C. § 1446(b).
10. Contemporaneously with the filing of this Notice of Removal, the undersigned has served written notices on counsel for Plaintiffs, counsel for Pepperl & Fuchs, and the clerk of the District Court of Floyd County, as provided by 28 U.S.C. § 1446(d).
11. Defendant Pepperl & Fuchs has consented to removal.
12. Pursuant to the provisions of 28 U.S.C. § 1446 and Local Rule 81.a.1., copies of all process, pleadings, and orders filed in the Dallas County Case are attached hereto as **Exhibit 2**.
13. Pursuant to Local Rule 81.a.2., a list of all matters pending in the Iowa state court that will require resolution by this Court is attached hereto as **Exhibit 3**.

14. Pursuant to Local Rule 81.a.3., a list of all counsel and law firms that have appeared in the Iowa state court, and the names of the parties they represent, is attached hereto as **Exhibit 4**.

15. A copy of the online docket from the Iowa state court is attached hereto and marked as **Exhibit 5**.

**WHEREFORE**, Heinkel Filtering Systems, Inc. gives notice that the Floyd County Case is herewith removed to the United States District Court for the Northern District of Iowa.

Respectfully submitted,

ENGLES, KETCHAM, OLSON & KEITH, P.C.

By: /s/ Stephen G. Olson, II  
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*Attorneys for Defendant Heinkel Filtering  
Systems, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing *Notice of Removal* has been served upon counsel of record by placing the same in the United States postal service with proper postage affixed thereto and addressed to the following:

Keith Larson  
Patrick Roby  
Elderkin & Pirnie, P.L.C.  
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*Attorneys for Plaintiffs Bill Mullen and Michelle Mullen*

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*Attorneys for Defendant Pepperl & Fuchs*

Dated this 3<sup>rd</sup> date of December, 2012

/s/ Stephen G. Olson, II  
*Attorneys for Defendant Heinkel Filtering  
Systems, Inc.*